

MINUTES OF THE BOARD OF SELECTMEN MEETING

August 13, 2018

Meeting held at Town Hall, 139 Main Street, Rowley, MA

6:30 p.m.

MEMBERS PRESENT: Chairman Cliff Pierce; Vice Chairman Joseph Perry, Clerk Robert Snow, Robert Merry, David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Natalie Lovett)

PUBLIC ATTENDEES: Kate Crowther – Novus Group/Verdant Medical; Tito Jackson – Verdant Medical; Annie Nagle – Verdant Medical; Fred Hardy – RVA; Larry Berger – Pinck & Co.; Christine Kneeland – PGS; Chip Heitkamp – Dore & Whittier; Daniel LaRochelle – RVA; Brad Dore – Dore & Whittier; Cormac O'Neill – RVA; Bradford Baker – Verdant; Rebecca Rutenberg – Verdant; Joseph McCarthy – Ipswich Pharmaceutical Assoc.; Jimmy Motzkin – JRM Hauling & Recycling; Bonni Berkowitz – 623 Wethersfield St.; Barbara Berkowitz – 623 Wethersfield St.; David Zizza – 29 Bradford St; Spencer Kalker – Old Planters of Cape Ann; Lawrence White – FINCOM; John Hazelton – Northeast Counseling; Cynthia Hazelton – Northeast Counseling; Adrienne Dean – Dean & Ray, LLC; Bernard Cullen – 283 Wethersfield St.

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 6:30 p.m. He said the meeting is being video recorded and broadcast live via Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6:30 p.m. APPOINTMENT* Joseph McCarthy of Ipswich Pharmaceutical Associates to discuss a request for an updated letter of Non-opposition for Ipswich Pharmaceutical Associates and business update

Chairman Pierce read the following:

Joseph McCarthy is requesting an updated Letter of Non-opposition for Ipswich Pharmaceutical Associates, as requested by the Cannabis Control Commission, that states his business will be located at 116 Newburyport Turnpike.

Mr. McCarthy will also provide the Board with an update on his business.

Joseph McCarthy said that he received approval from the Cannabis Control Commission on July 7th for an RMD facility. He said a community outreach meeting was held on July 8th; there were 3 attendees. He said that at the community outreach meeting there was a request for a traffic study to be completed. He said he has submitted the special

permit application to the Planning Board and a walkthrough was held on July 16th. He said attendees included Police Chief, Town Planner, Chris Thornton (Chair of the Planning Board), and John Urbanczewski (Planning Board member). He said that during the walkthrough they discussed making the building more accessible, adding additional security functions to the back door, a cage safe, security of the money during transit, and the fire safety system. He said he is still waiting for the peer review to be completed by the Planning Board. He said he is before the Board of Selectmen tonight because he is officially transferring his license from Ipswich to Rowley and the CCC requires an update Letter of Non-Opposition stating the new address.

Joseph Perry made a motion to send a new Letter of Non-Opposition to the CCC stating the new address for Ipswich Pharmaceuticals, Robert Snow second, all aye (5-0).

6:40 p.m. APPOINTMENT* James Motzkin, President of JRM Hauling and Recycling to discuss Recycling Center cost increases

Chairman Pierce read the following:

Mr. Motzkin is on tonight's agenda to discuss the rising costs related to recycling.

The Board met with Mr. Motzkin's associate, Ricky Floramo, on July 16 to discuss this issue. Due to changes in the global recycling markets, JRM has increased its hauling and disposal fees. The Town's budget of \$19,000 cannot cover these costs. The annual operating cost at these new rates is approximately \$60,000. We would need to go to Town Meeting and request a transfer of approximately \$41,000 to keep the Center open at these rates.

Some ideas that the Board previously reviewed are as follows:

- Limit what is accepted at the Recycling Center to just paper and cardboard. This will reduce the number of bins we're renting from JRM and the hauling and recycling costs (One problem to strongly consider with this idea is that people who enter the site off hours as they currently do, may continue to dispose of plastics, glass, etc. We may be charged penalties for this.)*
- Close the Center pending the move of the Center to a secured area. Phase out the closing for a determined period of time with the FY 19 budget parameters and give the public due notice (3 months or 4 months)*
- Try to get additional funding at a special fall/winter Town Meeting to continue operating the Center. The total FY estimated cost is over \$50,000 based on the amount JRM is saying they need to charge the Town on a monthly basis, so we will need another approximately \$32,000 to \$33,000 at least in addition to the current FY 19 appropriation of \$19,000.*
- Solicit prices from other recycling companies; though, I'm not sure if that will result in a dramatic price reduction.*

Pierce stated that the cost to operate the recycling center is going up to \$50,000 per year. James Motzkin said that would be the cost with the current proposal. Motzkin said

JRM would like to see the recycling center stay open, but the recycling market has changed and they are now paying to dispose of recycling that once used to be taken away for free. He said he talked with Debbie Eagan about a new 3 year contract that would finish out the current year at the old rate, increase to \$37,500 in the second year, and \$45,000 in the third year.

Pierce said that he feels even \$45,000 for the recycling center is excessive for the service provided to the Town's residents. Motzkin said that he flexible and will try to work with the Town.

Bernie Cullen, 283 Wethersfield Street, asked if there would be a cost savings if the Town only recycled paper and cardboard. Motzkin responded in the affirmative. He said the most costly material to recycle is glass, which increased from \$5 to \$85 to dispose of. He said mixed cardboard and paper has some value and plastics 1-7 have some value if they are clean. Motzkin said that glass companies will take the glass, but the caps, labels, and sediment reduce the value.

Larry White said that perhaps the containers themselves could be locked during the week and the cardboard containers changed so that you can only fit a flattened box into it. Petersen said that security of the site is the biggest concern and he is concerned that people will then just leave their recycling on the ground outside the containers.

Pierce asked what the time frame might be to shut down the recycling center. Eagan said that there is \$14,000 remaining in the recycling budget. She said the recycling is currently costing \$5,000 per month. Motzkin said he would be willing to work out a deal with the Town that would keep the recycling center open through the holidays. Perry stated that he appreciates how reasonable Mr. Motzkin has been during this whole process.

Dave Petersen made a motion to continue this agenda item for 2 weeks to allow time for Debbie Eagan to work with JRM on an agreement, Joseph Perry second, all aye (5-0).

7:00 p.m. APPOINTMENT* Spencer Kalker of Old Planter of Cape Ann, Inc. to discuss Letter of Non-opposition for a registered marijuana dispensary and Host Agreement at 300 Newburyport Turnpike

Chairman Pierce read the following:

The Board met with Mr. Kalker during the July 30 meeting to discuss his business plans. During this meeting, the Board voted to issue a Letter of Support for Old Planters of Cape Ann, Inc. The Board needs to vote to authorize Chairman Pierce to sign the letter. Police Chief Scott Dumas has reviewed Old Planters of Cape Ann's security plan and is satisfied with the plan. Also, Town Planner Kirk Baker has met with Mr. Kalker and reviewed the special permitting and site plan approval process.

Town Counsel Tom Mullen has completed his review of the Host Agreement. It was reviewed by Old Planters of Cape Ann, Inc. and they accepted Tom's changes. The Agreement is ready to be signed by the Board of Selectmen and Mr. Kalker. The Board needs to vote to sign the agreement. Mr. Kalker will also sign it tonight. (THERE ARE TWO (2) ORIGINALS IN THE CHAIRMAN'S FOLDER.)

Cynthia Hazelton said she works for the Northeast Counseling Center, located at 300 Newburyport Turnpike, which treats children and families. She said that she and her colleagues have major concerns with there being a dispensary next to their business. She said she believes the location conflicts with the 500 ft buffer rule. Pierce said that if it violates the rule, the dispensary won't be able to get a license from the State. He said the Planning Board will need to hold a hearing on the application and determine if it is an appropriate location. He said that the Board of Selectmen does not determine the appropriateness of the location, but works with the companies on a host agreement.

Dave Petersen made a motion to approve a Letter of Non-Opposition, Bob Snow second, all aye (5-0).

Dave Petersen made a motion to authorize Cliff Pierce to sign the Letter on behalf of the Board of Selectmen, Joseph Perry second, all aye (5-0).

7:10 - 7:15 p.m. PUBLIC COMMENT*

There were no public comments.

7:15 p.m. APPOINTMENT* Larry Berger of Pinck & Company to discuss purchasing items for the Pine Grove School out of the contingency line and project update

Chairman Pierce read the following:

The Board met with Larry Berger on July 30 to discuss a list of items that he was seeking approval to purchase as part of the FF&E package. The Board had concern over the some of the types of items that were being included in the submittal, such as staplers and pencil sharpeners. The funding for these items is coming from the contingency line.

The Board asked Larry to review and reduce the list and re-submit it to the Board of Selectmen for review.

(Attached is the list Mr. Berger submitted on July 30. No updated list was sent to the Board in advance of tonight's meeting.)

Chip Heitkamp, Dore & Whittier, provided a new itemized list to the Selectmen. He said that he met with Cliff Pierce and Joe Perry and they went over every item on the list. He said they removed items such as pencils, tape dispensers, laminators from the list; resulting in a cost reduction of about \$13,000. He said this list is the proposal for phases

1 and 2 of the project, there will be another list for phases 3 and 4. He said there is no State reimbursement for these equipment items.

Petersen said that the money to pay for these items would be coming out of the contingency fund which is supposed to be used for unforeseen items that arise during construction. He said they have already had change orders, and they are only 2 months into the construction. He said he might be more willing to pay for these items at the end of the project if there is money remaining.

Snow said that this project is supposed to correct the infrastructure problems in the school in order to create a functional building in which the children can learn. Berger said that some of the items are to outfit the new kitchen. Pierce said he feels the kitchen items are understandable. Petersen said he has no issues with the kitchen equipment, he questions some of the custodial supplies. He said he will vote to approve this \$31,000; however, the design team needs to seriously track the contingency funds and he will be looking even more closely at any future equipment purchases.

Perry said he feels the nurse's items should be added back into the budget. Pierce respectfully disagreed; the items have nothing to do with the renovation and should be the school's responsibility to update and replace. Brad Dore, the project's architect, said that some of the flooring and maintenance equipment are necessary in order to care properly for the new finishes and maintain the warranties.

Dave Petersen made a motion to approve the \$31,000 item list, Robert Snow second, all aye (4-1). Joseph Perry – OPPOSED.

Perry said he opposed the vote because he would have like to see the Nurse's equipment included.

Larry Berger then gave an update on the school renovation. He said the front and back of the school should be paved this week. He said the contractors are installing the interior finishes in the administration area; painting, tiling, hanging fixtures, and installing sprinkler heads. He said the contractors are finalizing the hook-up for the boilers and pumps. He said the flooring prep will be one of the last things completed. He said that in the All-Purpose Room the contractor is almost finished shoring up the buckles; it has taken more time than they would have liked. He said the kitchen is progressing. Petersen asked if the Selectmen could get a tour of the school before school starts. Berger responded that he is always on site and would be happy to bring the Selectmen around the building.

7:30 p.m. APPOINTMENT* Kate Crowther from Verdant Medical to discuss plans to open a registered medical marijuana dispensary and cultivation facility at 124 Newburyport Turnpike and to request a Letter of Non-Opposition/Support

Chairman Pierce read the following:

Verdant Medical is planning to purchase 124 Newburyport Turnpike for the purpose of operating a medical marijuana facility and a cultivation facility.

Kate Crowther of Verdant has met with both Chiefs and Kirk Baker. Chief Dumas has informed me that he is satisfied with their plan. Kirk says that Verdant is ready to meet with the Board of Selectmen to discuss the Letter of Non-opposition and Host Agreement. Verdant has filed a site plan application and special permit application with the Planning Board.

Rebecca Rutenberg provided the Selectmen with a site plan and copy of their business plan. She said that Verdant is unique because it is led by a team of long-term public servants. She introduced the company's employees in attendance.

She said that the company will have 3 establishments: Boston, Provincetown, and they plan to transfer a license from Randolph to Rowley for a dispensary. She said Rowley will also have their only cultivation facility. She said the proposed property is currently undeveloped and is split among three different zones. She said the cultivation facility will be approximately 25,000 sq. ft. with the option to expand. She said they are working with Hayes Engineering on the project design. She said the Rowley and Provincetown dispensaries will be approximately the same size. She said the Rowley parcel is ideal because they can build a custom facility. She said there will be 40 employees, not including security personnel. She said their company will require that all customers sign a Community Norms Agreement. She said that Verdant is committed to being a partner with the community and will be providing workforce training, literacy training, and community outreach.

Pierce asked if the local impact fee (LIF) would include the dispensary and cultivation facility. Rutenberg responded that she is not sure but could look into it. Bernie Cullen, 283 Wethersfield St, asked if the cultivated product would be used only by Verdant. Rutenberg responded that they hope to wholesale the product to other dispensaries, in addition to using it at the three Verdant dispensaries. Petersen said that this project is very interesting because it includes the construction of a new building, which on its own will add to the tax base.

Dave Petersen made a motion to provide a Letter of Support to Verdant Medical, Robert Snow second, all aye (5-0).

Jackson thanked the Board of Selectmen. He said that Rowley is very special to them because they are only allowed one cultivation facility and it will be critical to the success of their business.

7:45 p.m. APPOINTMENT* – Steve Morris President and Treasurer of the Rowley Veterans Association Board of Directors to discuss status of vacant manager position and outdoor activities and alcohol consumption

Dan LaRochelle introduced himself to the Selectmen as a member of the RVA board. He also introduced Fred Hardy, another member of the RVA board, and Cormic O'Neil

as the new RVA manager. O'Neil said that previously he had been the assistant manager under manager Michelle Moon. Petersen said that with the previous manager resigned, there is no new manager until that person is approved by the State ABCC and the Town. He said that in the absence of an approved manager, Steve Morris, the President of the RVA Board, is solely responsible for the club.

O'Neil said that he submitted the paperwork to the Board of Health on Wednesday. Petersen said that the RVA needs to get approval from the Board of Selectmen, not the Board of Health.

Town Administrator Debbie Eagan said the Board of Selectmen is the Local Licensing Authority for liquor licenses. She said that Steve Morris received a letter from Assistant Town Administrator Amy Lydon detailing what paperwork needs to be updated and approved. Pierce said that they were hoping Mr. Morris would be present for this meeting. He said the first line of business is that the paperwork be submitted for the manager. O'Neil said that he has the paperwork printed out, but he thought he needed to wait on the Board of Health. Eagan asked if Mr. O'Neil has ever worked in this capacity before, because he should be familiar with the process. She reiterated that Mr. Morris is solely responsible for the license. O'Neil said that he will bring the paperwork by in the morning.

Pierce said that the liquor license does not allow for alcohol outside of the hall. Hardy said that he thought that alcohol could be consumed outside if it was in a plastic cup. Petersen said that is incorrect. He said that the RVA had begun the approval process for outside alcohol consumption in the past, however it never moved forward. He said it will require approvals from the Zoning Board of Appeals, Planning Board, Board of Selectmen, and the ABCC. He said that the Change of Manager documentation needs to be approved before they will consider the outdoor patio. Hardy said that they will not allow anymore outdoor alcohol consumption.

O'Neil said that he has a letter of approval from the Board of Selectmen and ABCC for the alteration of premise. Pierce said the letter is from the Town Planner and that the Planning Board doesn't have any involvement in liquor licenses. Eagan said the letter is actually a 2016 memo from the Town Planner to the Selectmen. She said in 2016 the former manager, Jim Edwards, had spoken with Amy Lydon about altering the premise to include an outdoor patio. She said the State ABCC issued guidelines for alteration of the premise. She said that the copy submitted by O'Neil did not include the second page of the memo, which stated that the application needed to receive approval through the Selectmen and ABCC. She said that Edwards had never submitted an application for the alteration of premise. She said he spoke with Amy Lydon on May 12, 2016 and there were a number of issues with the liquor license that needed to be corrected with the ABCC; the RVA needed to update its Board of Directors, Articles of Organization, Change of Manager, and correct issues with the Department of Revenue. She said Edwards eventually worked through all of those items except the Articles of Organization. Eagan said last fall, the new manager Michelle Moon needed to update the Articles of Organization before the ABCC would approve the Change of Manager.

She said that Michelle Moon was approved as the new manager on February 28, 2018. She said in April, Moon made inquiries about expanding premise and an application was filed. She said there was an issue with the notification to abutters however, and Moon, on behalf of the RVA, asked to withdraw the application without prejudice which the Board of Selectmen voted on. Eagan added that there have been complaints from neighbors about the noise from the RVA's outdoor events.

Hardy said that they are trying to resolve the issues; many of the members are new to this. He said that many of the events that they hold are to raise money to benefit the veterans. Petersen said that the RVA needs to make friends with the neighbors and should consider legal assistance to work through the licensing process. He said the ABCC is very strict. He said the RVA needs to control its customers; if they are unable to do so, it could put the license at risk.

GENERAL BUSINESS

1. Authorize Chairman Pierce to sign the 9-1-1 Grant form

Chairman Pierce read the following:

The Police Chief has received the State FY 18 Training Grant and EMD/Regulatory Compliance State grant package.

To authorize Chief Dumas to sign the grant package, the Board of Selectmen needs to vote to authorize Police Chief Scott Dumas to sign the grant documents. Chairman Cliff Pierce also needs to be authorized to sign the Contractor Authorized Signatory Listing sheet on behalf of the Board.

Dave Petersen made a motion to authorize Chairman Pierce to sign the 9-1-1 grant form, Robert Snow second, all aye (5-0).

NEW BUSINESS

1. Review First Right of Refusal for sale of affordable unit at 870 Haverhill Street submitted by Eric Painter

Chairman Pierce read the following:

We received a Notice of Intent to Sell from Eric Painter, the owner of the affordable housing unit located at 870 Haverhill Street Apt 3C. Under Section 4 subsection C of the affordable housing deed rider, the Town of Rowley has the right to purchase the property at the maximum resale price. If the Town chooses not to purchase the apartment, the owner will work with a resale agent, assigned by DHCD, to find a buyer who is income-eligible under the Local Initiative Program (LIP). The affordable housing deed rider will be conveyed with the property to the new owner.

The Board of Selectmen needs to discuss and vote on whether to exercise its right of first refusal to purchase the property at 870 Haverhill Street Apartment 3C.

Dave Petersen made a motion to not exercise the Boards right of first refusal, Joseph Perry second, all aye (5-0).

OLD BUSINESS

1. Update on Fire Station and Police Station Addition project

Petersen said the project is moving along. He said they are shingling right now and will sheet rock the interior soon. He said the Building Committee will be meeting on Thursday at 11 am in the Selectmen's Office to discuss the Communications Center. He said they are hoping to start paving in the fall.

MINUTES

- June 21, 2018

Robert Snow made a motion to approve the minutes of June 21, 2018, Joseph Perry second, all aye (4-0). Cliff Pierce – ABSTAINED

- July 2, 2018

Joseph Perry made a motion to approve the minutes of July 2, 2018, Robert Snow second, all aye (5-0).

- July 30, 2018

Robert Snow made a motion to approve the minutes of July 30, 2018, Dave Petersen second, all aye (4-0). Robert Merry – ABSTAINED

ANNOUNCEMENTS

- The band 3 Blocks East will be giving a free concert on the Town Common on Saturday, August 25, 2018 at 6:00 p.m.

Perry asked whether the electrical at the gazebo will be working for the concert. Snow responded that the electrical issue that had occurred during the 4th of July event had been a result of the old hot dog maker. He said that it is important that the electric plugs for the bands equipment be distributed among the three outlets and not plugged into only one. He said that Assistant Town Administrator Amy Lydon advised the band to test the outlets prior to the concert.

- The pool at the YMCA Camp Cedar Mill on Wethersfield Street in Rowley is open for the summer season. The pool is free for Rowley residents. The hours are Monday through Friday from 3:00 p.m. to 6:00 p.m. and on weekends from 10:00 a.m. to 6:00 p.m.
- The Town has the following vacancies:
 - a. **Agricultural Commission Associate**
 - b. **Cultural Council**
 - c. **Council on Aging**
 - d. **Fence Viewer** – three positions;

- e. **Wood, Lumber & Bark Inspector;**
- f. **Zoning Board of Appeals Associate** – three seats;
- g. **Parks and Recreation Committee** – one seat; and
- h. **Deputy Shellfish Constables** – two positions.

For more information on these positions, please contact the Selectmen's Office at 948-2372.

- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

Chairman Pierce called for a motion to adjourn. Robert Snow so moved, Dave Petersen second, all in favor – (5-0).

Open meeting adjourned at 8:43 p.m.

Respectfully submitted,

Natalie Lovett
Assistant Town Administrator

ATTACHMENTS

1. Meeting memo regarding 6:30 p.m. Appointment: Joseph McCarthy of Ipswich Pharmaceutical Associates to discuss a request for an updated letter of Non-opposition for Ipswich Pharmaceutical Associates and business update
2. Updated Letter of Non-Opposition for Ipswich Pharmaceutical Associates
3. Letter of Non-Opposition for Ipswich Pharmaceutical Associates dated December 14, 2018
4. Meeting memo regarding 6:40 p.m. Appointment: James Motzkin, President of JRM Hauling and Recycling to discuss Recycling Center cost increases
5. Letter from Debbie Eagan to Selectmen re: Recycling Center dated August 9, 2018 with attachment
6. Meeting memo regarding 7:00 p.m. Appointment: Spencer Kalker of Old Planters of Cape Ann, Inc. to discuss Letter of Non-opposition for a registered marijuana dispensary and Host Agreement at 300 Newburyport Turnpike
7. Letter of Support for Old Planters of Cape Ann, Inc.
8. Host Community Agreement for Old Planters of Cape Ann, Inc.
9. Meeting memo regarding 7:15 p.m. Appointment: Larry Berger of Pinck & Company to discuss purchasing items for the Pine Grove School out of the contingency line and project update
10. Spreadsheet of purchasing items submitted by Larry Berger during the meeting
11. Meeting memo regarding 7:30 p.m. Appointment: Kate Crowther from Verdant Medical to discuss plans to open a registered medical marijuana dispensary and

- cultivation facility at 124 Newburyport Turnpike and to request a Letter of Non-Opposition/Support
12. Email correspondence with Town Planner regarding Joint Meeting with Verdant Medical Inc. pertaining to marijuana production, cultivation, and dispensary at 124 NBPT
 13. Email correspondence with Police Chief regarding Joint Meeting with Verdant Medical Inc. pertaining to marijuana production, cultivation, and dispensary at 124 NBPT
 14. Email correspondence with Town Planner regarding Verdant Site Layout Plan Preliminary with attachment
 15. Verdant Medical Business Plan dated August 7, 2018
 16. Verdant Medical, Inc. building and site plans dated August 7, 2018
 17. Meeting memo regarding 7:45 Appointment: Steve Morris President and Treasurer of the Rowley Veterans Association Board of Directors to discuss status of vacant manager position and outdoor activities and alcohol consumption
 18. Letter to the Rowley Veterans Association regarding Board of Selectmen's Meeting on August 13, 2018 dated August 9, 2018
 19. Letter to the Rowley Veterans Association regarding Resignation of Manager – Michelle Moon dated July 30, 2018
 20. Timeline of RVA communications with the Town
 21. Letter from Michelle Moon regarding withdrawal of seasonal license application stamped May 7, 2018
 22. ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas
 23. Letter to the Rowley Veterans Association regarding Complaint from Neighbor dated November 21, 2017
 24. Letter to the Rowley Veterans Association regarding Application for an Alteration of Premises dated May 8, 2018
 25. Email correspondence with David Zizza regarding Rowley Veterans Association
 26. Meeting memo regarding General Business #1: Authorize Chairman Pierce to sign the 9-1-1 Grant form
 27. FY 2019 9-1-1 Grant form
 28. Meeting memo regarding New Business #1: Review First Right of Refusal for sale of affordable unit at 870 Haverhill Street submitted by Eric Painter
 29. Letter from Eric Painter dated July 21, 2018
 30. Resale Property Information Form completed by Eric Painter
 31. Local Initiative Program Affordable Housing Deed Rider for 870 Haverhill Street
 32. Meeting memo regarding Old Business #1: Update on Fire Station and Police Station Addition project
 33. Draft June 21, 2018 minutes
 34. Draft July 2, 2018 minutes
 35. Draft July 30, 2018 minutes